

## SELF-SERVICE CENTER

### HOW TO FILL OUT PAPERS TO ESTABLISH PARENTING TIME ("Visitation")

#### WHEN TO USE THIS FORM:

Use this form if you want to get a court order for parenting time. **YOU CANNOT USE THIS FORM TO ESTABLISH PATERNITY.** Use this form **ONLY IF** you are the natural or adoptive parent of the child(ren), **AND**

- ✓ You have a court order establishing paternity, **OR**
- ✓ You have a court order for child support.

#### IF YOU HAVE A COURT ORDER FOR PATERNITY OR CHILD SUPPORT FROM ANOTHER STATE OR ANOTHER COUNTY IN ARIZONA

If you have a court order involving any children from this case from a different state, or from a different county in Arizona, you **must** do the following before you can file the court papers:

- ✓ Get a certified copy of the paternity or child support order from the other state, **AND**
- ✓ Give the certified copy of the order to the Clerk of the Court before you file your court papers, **AND**
- ✓ The Clerk of the Court will file the order and assign a case number to your case.

**IMPORTANT NOTICE ABOUT WHEN YOU CAN BRING A PARENTING TIME CASE IN THE SUPERIOR COURT IN ARIZONA:** Generally, you should have resided (lived) in Arizona with the child(ren) for at least 6 months, or Arizona must be the child(ren)'s primary place of residence before you file your court papers, or if the child(ren) is/are less than 6 months old, the child(ren) must have resided (lived) in Arizona since his/her birth. If you have questions regarding this requirement, see a lawyer before filing.

#### IMPORTANT NOTICE ABOUT WHEN YOU CAN SUE ANOTHER PERSON IN

**ARIZONA:** You can sue the other party in Arizona to establish, enforce, or change a custody, visitation or support order, or establish paternity, if **ONE** of the following statements is true about the other party:

- ✓ The person is a resident of Arizona; **OR**
- ✓ You personally serve the person with the court papers in Arizona (See the Self-Service Center packet on service to learn more about this requirement); **OR**
- ✓ The person agrees to have the case heard here and files written papers in the court case; **OR**
- ✓ The person lived with the child in this state at some time; **OR**
- ✓ The person lived in this state and provided pre-birth expenses or support for the child; **OR**
- ✓ The child lives in this state because of the acts or directions of that person; **OR**
- ✓ The person had sex in this state and the child may have been conceived; **OR**
- ✓ The person signed a birth certificate that is filed in this state; **OR**
- ✓ The person signed an affidavit acknowledging paternity; **OR**
- ✓ The person did other acts that substantially connect the person with this state (see a lawyer to help you decide this).

## DOMESTIC VIOLENCE

Domestic violence can be part of any relationship. Domestic violence includes **physical violence**, such as hitting, slapping, pushing or kicking, directed against you and/or your children. It also includes **threats** of physical violence against you and/or your children, and/or **verbal abuse** against you and/or your children, used to control you.

Court documents request your address and phone number. If you are a victim of domestic violence, or if you do not want your address known to protect yourself or your children from further violence, **you must file a "Petition for an Order of Protection" and ask that your address not be disclosed on court papers.** With that order, you do **not** need to put your address and phone number on your court papers. If possible, get a P.O. box or provide another address where you can be contacted with these papers. If you do not have another address or phone where you can be reached when you file your court papers, write "**protected**" in the space where you are asked for this information. As soon as possible, give the Clerk of the Court an address and phone number where you can be reached.

## CASE NUMBER

Use the Case Number on all your court papers. This is the number you were assigned in the paternity or child support case you had in Maricopa County.

Or, if your paternity or child support case was from another county or another state, use the number the Clerk of the Court assigned you when you filed the certified copy of your other court case in Maricopa County.

## FAMILY COURT COVERSHEET:

Print or type in black ink.

**Case Type:** Check only one box that matches the legal procedure for which you are filing the documents in this packet.

**Information About the Petitioner:** Write in your name, address, home telephone number, work telephone number, cell phone/pager number, date of birth, social security number, and e-mail address in the space provided. If your address and telephone numbers are protected, you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name and bar number.

**Information about the other party, the Respondent:** Write in the name of the Respondent. If you know the Respondent's address, home telephone number, work telephone number, cell phone/pager number, date of birth, social security number, and e-mail address, you must write in this information.

**Minor Children Involved:** List the names, dates of birth, and social security numbers for any minor children involved in this specific case.

**Other Minor Children:** If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

**Other court cases:** Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

**Domestic Violence Section:** Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

**Children's Issues Section:** Answer the questions regarding the children you listed on the Family Court Cover Sheet. This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

**Location:** If you are filing your documents in Phoenix, check the Downtown Phoenix box or the Northeast Phoenix box. If you are filing your documents in Mesa, check the Mesa box and if you are filing your documents in Surprise, check the Surprise box.

## SUMMONS

Fill in the following information: Your name; address (if not protected); city, state and zip code ; telephone number; ATLAS NUMBER; name of Petitioner (your name); and name of Respondent (the other party's name). You will have an ATLAS number **ONLY** if you receive, or have received, AFDC or other government benefits for the child(ren) for whom you want to establish visitation.

## PETITION

- A. Make sure your form states PETITION FOR PARENTING TIME in the upper right-hand part of the first page.
- B. In the top left corner of the first page, fill out: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving, or have received, AFDC from the Arizona Department of Economic Security.
- C. Fill in the space that says "Name of Petitioner" and "Name of Respondent". You will be the PETITIONER if your paternity or child support order was from another county or another state, and this is the first time you are filing a court case in Maricopa County. Otherwise, complete the caption the same way as it was in the paternity or child support case in Maricopa County.

**WARNING: IF YOU HAVE AN EXISTING CASE IN MARICOPA COUNTY WITH THE SAME PARTY, DO NOT GET A NEW CASE NUMBER WHEN FILING YOUR CASE! USE YOUR EXISTING CASE NUMBER. IF YOU DO NOT KNOW YOUR EXISTING CASE NUMBER, ASK THE CLERK FOR YOUR EXISTING NUMBER BEFORE YOU FILE YOUR COMPLAINT/PETITION.**

- D. **General information:**
  - 1. Fill in the Petitioner's name, address (if not protected) and date of birth. This is basic information about, the PETITIONER, and the Petitioner's relationship to the child(ren).
  - 2. Fill in the Respondent's name, address and date of birth. This is basic information about the RESPONDENT.
  - 3. Decide why you can pursue a court case in Arizona. Check all boxes that apply.
  - 4. Fill in information about all the child(ren) for whom you want custody or parenting time. The mother and father should be the same for all the children for whom you want this order. If you think the children have different fathers or mothers, you need to file a separate lawsuit against that person.
- E. **Statements about paternity AND child custody AND child support:** Tell the court what the current situation is.
  - 5. What is the status of paternity in this case?

**ORDER:** Check this box if there is an Order from any court. On the first line, print the date the Order was signed. On the second line, print the county where the Order was made. On the next line, print the name of the father.

**OTHER:** Check this box if you do not have a formal court order for paternity but you do have a court order for child support.

6. What is the status of child custody? Check the box that describes who has custody now. If neither the father nor mother have physical custody, be sure to complete all the information about who has the child(ren) and why.
7. What is the status of child support? Give the date of the last child support order in the case.

**F. Other information about the children:** If you are aware of court cases about the children, you need to tell the court. Attach a copy of any order about custody, parenting time, or child support to the petition, unless the order is from the Superior Court in Maricopa County.

8. Fill out where the child(ren) involved in this action has/have been living **for the past 5 years**. If any children are under age 5, put information about where the children have lived since birth. Write each child's name; the address where the child lived; what dates the child(ren) lived at each address; whom the child(ren) lived with; and the relationship of that person to the child(ren). While you may not remember exact dates and addresses, please fill it out **as completely as possible**.
9. You must tell the court if you participated as a party or witness in any court case involving issues OTHER THAN custody or parenting time of the child(ren). If your answer is "no" check the first box and GO ON. If there is another case, check the second box and give as much information as possible. This information could affect you and/or your child(ren's) rights in this case.
10. The court **MUST** know if there have been other cases involving custody, parenting time or child support of the children of this case, even if you were not a party. If there are no other custody or parenting time cases, or you do not know of any, check the first box and GO ON. If you have been involved in any way with this type of court case, check the second box and give the information where requested. Tell the court what happened and what is going on in the other case(s).
11. If you do not know of another person OTHER THAN THE OTHER PARTY who has physical custody of the child(ren) or is claiming custody or parenting time rights to any of the children, check the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a custody or parenting time claim. If there is such a person, you **must** include the person as a Respondent in this court case.

**G. Other statements to the court:**

12. **VENUE:** This tells the court that one parent or the children live here, so the court can decide your case.

**H. Request to the court for Parenting Time and Child Support.** This section of the Complaint/Petition requests that the court make Orders relating to parenting time and child support.

1. **Parenting Time.** Describe who should get parenting time, and how the parenting time should work. Be specific. Use detail.
2. **Supervised parenting time to the non-custodial parent.** You may request supervised parenting time if the non-custodial parent cannot adequately care for the child(ren) or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must write in why you say the parenting time should be supervised parenting time.

3. **Supervised parenting time.** Describe how you think this should be handled.
  4. **Other orders:** Check this box if you have made other requests to the court. If you check this box, write in the additional orders you are requesting the court to make that were not covered in your Petition.
- I. **Oath and verification of party filing this petition:** Sign this form in front of a Notary Public. By doing so you are telling the court that everything contained in the Petition is true.

## **NOTICE REGARDING THE PARENT INFORMATION PROGRAM**

This is an important document. You and the other parent must attend and complete a class in the Parent Information Program. This is a very exciting and wonderful class. It was designed to help you. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and/or court involvement have on children involved in a divorce, paternity, or custody case. This Notice applies to all parents who file an action for dissolution of marriage or legal separation, or any paternity proceeding, in which a party has requested that the court determine custody or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the court.

**MAKE SURE YOU READ THIS NOTICE, DO WHAT IT SAYS, AND SERVE THIS NOTICE ON THE OTHER PARTY.**